

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

AUDREY MYERS, Personal  
Representative of Estate of  
MICHAEL EDWIN SMITH (now  
deceased),

Plaintiff,

-VS-

No. 17-CIV-90-RAW

BOARD OF COUNTY  
COMMISSIONERS, MUSKOGEE  
COUNTY,

ROB FRAZIER, Sheriff of  
Muskogee County, in his  
official capacity,

TURN KEY HEALTH CLINICS,  
LLC,  
and

DOES II through XX,

Defendants.



VIDEO DEPOSITION OF JUSTIN HUNNICUTT

TAKEN ON BEHALF OF THE PLAINTIFF

IN MUSKOGEE, OKLAHOMA

ON AUGUST 24, 2018

REPORTED BY: ELIZABETH J. CAMPBELL, CSR #162, RPR

instaScript  
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1           **Q**     What was the reason why you ended your  
2     employment there?

3           **A**     Just wanted more money.

4           **Q**     Was it for any disciplinary reason?

5           **A**     No.

6           **Q**     When you were initially hired as a runner,  
7     can you tell me what type of training you had to  
8     undergo before you assumed your job duties?

9           **A**     Yes. We went through roughly two days of  
10    training where we would have to watch videos over  
11    policies of the jail, how to deal with certain  
12    situations, combative situations. We had to take  
13    tests over the policy handbook, the jail handbook and  
14    they gave us a tour of the jail showing us what we  
15    will be doing, where certain inmates went, you know,  
16    because like sex offenders have to be separated and  
17    more dangerous inmates have to be separated, stuff  
18    like that. And basically showing us how we were  
19    supposed to feed and pickup trays, and that's the  
20    training we received before we started. Yes.

21          **Q**     Once you received your training and then you  
22    began performing your job duties, was there somebody  
23    who then was responsible for monitoring you to make  
24    sure you were performing your job the right way?

25          **A**     Yes. The new employees were always stuck



1 with I guess you could say veteran employees, somebody  
2 who had been there awhile and we usually would be with  
3 them for usually a month before we were, you know,  
4 kind of set free to do our daily duties on our own.

5 Q So you're saying that with you being a  
6 runner and you -- I guess we could almost call you  
7 like a rookie runner?

8 A Yeah.

9 Q Then would you usually be assigned in  
10 working with a veteran who at least during your first  
11 month ran the same shift so that way they could show  
12 you the ropes?

13 A Yeah.

14 Q Do you know what Turn Key is?

15 A It was -- it's a medical company that took  
16 over the medical department while I was working at the  
17 jail.

18 Q So are you saying from the period that you  
19 were working at the jail there was a period in  
20 which -- was it the jail who ran or provided the  
21 medical services?

22 A Before Turn Key, yes.

23 Q And then are you saying that there was a  
24 point where the jail stopped doing that and then  
25 Turn Key took over and was responsible for that?



1           **Q**       What is the reason for that?

2           **A**       In case that inmate were to pass out or fall  
3       and hit their head, that way we can constantly check  
4       them. We do cell checks every 59 minutes at the jail.  
5       In case something were to happen in between those 59  
6       minutes, we can go back there and see what's wrong.

7           **Q**       When you say "we do cell checks", when you  
8       were on shift, did you, during the period I'm talking  
9       about, were you responsible for doing the cell checks  
10      where Michael Smith was and when he was in that  
11      isolated detox cell?

12          **A**       No, sir. I was an upstairs runner. We only  
13      went downstairs to do cell checks if they were  
14      shorthanded downstairs.

15          **Q**       What is the reason why those cell checks are  
16      done, as you say, every 59 minutes?

17          **A**       To account that all inmates are there and to  
18      make sure that all inmates are alive.

19          **Q**       What are you required to do in order to  
20      verify that an inmate is in their cell or alive?

21          **A**       We check the whole jail. Whenever you walk  
22      into a pod, there's two runners usually. One goes  
23      upstairs. One goes downstairs. You open up every  
24      cell door and we call it an 8-point cell check.

25                    You look at every corner of the cell and



1 make sure there's no tampering with the windows or  
2 anything. You're supposed to go in and shake the  
3 window, make sure it hasn't been tampered with and  
4 make sure all inmates are accounted for.

5 Q I know that that's the textbook way that you  
6 are trained to do a cell check.

7 A Yes.

8 Q As far as you know, while you were working  
9 during this period, did detention officers perform the  
10 cell sight checks that way all the time?

11 A I had witnessed some that didn't but ...

12 Q Well, what did you witness them do instead?

13 A For instance, there was one instance where  
14 one night an inmate had escaped and the detention  
15 officer, all he did was walk up to the door. It was  
16 kind of closed with a towel over the window and he  
17 just knocked on the door and the inmate in there said,  
18 yeah, I'm in here and he kept going and that inmate  
19 ended up escaping that night.

20 Q Have you witnessed other detention officers  
21 do a sight check instead of doing the eight-point  
22 check, just peek their head in there and see if they  
23 see a body?

24 A Yes.

25 Q As a matter of fact, is one of the reasons



1 behind their back facing forward and we would take  
2 them downstairs to the hallway and handcuff them to  
3 the bench. And then the court van pull up, come up,  
4 check off their list, make sure everyone is there,  
5 load them up and take them to the courthouse.

6 Q Do you recall being involved in Michael  
7 Smith's movement from the jail to the courthouse?

8 A No, sir.

9 Q Does the jail -- what does the jail do as  
10 far as if somebody is having trouble to walk? What  
11 types of services or equipment can the jail provide,  
12 does it have access to?

13 A They have wheelchairs that they can provide  
14 to inmates to go over to the courthouse in.

15 Q Is there anything else that they have to  
16 assist?

17 A Not to my knowledge, no.

18 Q Was there a period of time in which you  
19 remember that Michael Smith needed a wheelchair? Or  
20 let me ask you, in which Michael Smith was given a  
21 wheelchair?

22 A I believe he was given a wheelchair. If I  
23 remember correctly, he was given a wheelchair.

24 Q Do you -- as we sit here today, can you  
25 physically remember him sitting in a wheelchair at any



1           **Q**     Okay. And so the first time you can  
2     remember and that you can testify to the jury was this  
3     one incident where you were called to the pod and you  
4     called Amity Williams to come see him?

5           **A**     Yes, sir. Or I went --

6           **Q**     Or went and got her?

7           **A**     -- to her, yes.

8           **Q**     Okay.

9           **A**     Yes.

10          **Q**     Now, there was testimony about policies with  
11     regard to when you can call 911; right?

12          **A**     Yes.

13          **Q**     Now, you testified earlier that you had  
14     been -- you went through jail training, you know, when  
15     you got hired; right?

16          **A**     Yes.

17          **Q**     You went through two days of training then  
18     you followed somebody for like a month or so; is that  
19     correct?

20          **A**     Yes.

21          **Q**     You took jail standards tests, those kind of  
22     things?

23          **A**     Yes.

24          **Q**     You got certified in first-aid?

25          **A**     First -- I was certified in first-aid, CPR,



1 AED. I was taser certified and I went through  
2 self-defense training classes and jail school, yes.

3 Q And AED is where you take those little  
4 paddles and try to get somebody's heart ---

5 A Restart someone's heart, yes.

6 Q Okay. So -- but so, as far as calling 911,  
7 as far as anything you could have seen that was  
8 obvious to you that somebody needed to go to the  
9 hospital, you called 911; right?

10 A Yes.

11 Q Like someone is unconscious, like you  
12 testified; right?

13 A Yes.

14 Q That's a no-brainer, you got to call; right?

15 A Yes..

16 Q And then call medical; right?

17 A Yes.

18 Q Somebody is having a seizure, call 911, then  
19 call medical; right?

20 A Yes.

21 Q Someone is bleeding out big time, call 911,  
22 then call medical; right?

23 A Yes.

24 Q With regard to Smith, Inmate Smith, when you  
25 saw him was it obvious to you this guy has got to go



1 to the hospital or are you like I need to send him to  
2 medical and let them figure it out?

3 A In my opinion, it was something for medical  
4 to decide, yes.

5 Q In other words, you didn't feel like, hey,  
6 I've got enough training to know whether he needs to  
7 go to the hospital or not. I'm going to send him to  
8 medical. They have more training. Let them do it; is  
9 that right?

10 A Yes.

11 Q And that's what Turn Key is for, they're  
12 contracted professional medical service to evaluate  
13 inmates to see if they need to go to the hospital;  
14 right?

15 A Yes.

16 Q And so he said he needed to go to the  
17 hospital. He said he needed to see medical. You  
18 facilitated that; is that correct?

19 A Yes.

20 Q Then you put it in Turn Key's hands and let  
21 them make the decision; is that correct?

22 A Yes.

23 Q Did anybody from Turn Key ever tell you or  
24 are you aware of Turn Key, anybody from Turn Key ever  
25 telling anybody from the jail he needs to go to the



1 hospital?

2           **A**     Not to my knowledge, no.

3           **Q**     Okay. Do you recall anybody from Turn Key  
4 saying to you or anybody else, Michael Smith the  
5 inmate needs to go see a specialist?

6           **A**     No. Not to my knowledge.

7           **Q**     When you saw Michael Smith laying on the  
8 floor there asking to see medical, did you know that  
9 he had a cord compression?

10          **A**     No.

11          **Q**     Now, with regard to the testimony where you  
12 were talking about cell checks where sometimes you  
13 have seen -- like you were training that one guy and  
14 he wasn't doing the cell checks right, --

15          **A**     Yes.

16          **Q**     -- do you remember that?

17          **A**     Yes. Yes.

18          **Q**     So you reported that to your immediate  
19 supervisor; right?

20          **A**     Yes.

21          **Q**     And then if you -- and when you felt like he  
22 wasn't really taking care of it, you went over his  
23 head and went to Jeremy Garvin; right?

24          **A**     Yes.

25          **Q**     That's the normal chain of command; is that



1 officer that I saw wheeling him in the hallway had  
2 said we need a wheelchair up here because he is unable  
3 to -- that Mr. Smith was saying he was unable to walk  
4 on his own to where they were taking him, so medical  
5 and then downstairs. So they took a wheelchair up  
6 there to him because we had spare wheelchairs. I  
7 think we had two or three of them in the facility.  
8 So ...

9 Q Uh-huh. So he didn't say he wasn't able to  
10 walk at all over the radio?

11 A No, he didn't say he was unable to walk at  
12 all. He just said that he -- how do I put it?  
13 Basically said that he wasn't going to be able to make  
14 it down to medical unless he had a wheelchair.

15 Q So it's possible that he had difficulty  
16 walking?

17 MR. HOWE: Objection. Form.

18 Q (BY MS. THOMPSON) You may answer, if you  
19 understand.

20 A Well, he had difficulty walking the first  
21 time I saw him, yes. And it's obvious he still had  
22 that, I guess. He still had that difficulty, yes.

23 Q Right. Right. So what I'm trying to say is  
24 that because you saw -- because he was sitting in a  
25 wheelchair ---